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Attorneys for Plaintiff  
LEVI STRAUSS & CO.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEVI STRAUSS & CO.,

Plaintiff,

v.

LIPS JEANS,

Defendant.

Case No. C 07-4268 JW

**STIPULATION TO FINAL  
JUDGMENT AND PERMANENT  
INJUNCTION**

Plaintiff Levi Strauss & Co. and Defendant Lips Jeans hereby stipulate to the facts and conclusions contained in the attached Final Judgment and Permanent Injunction and consent to its entry by the court.

IT IS SO STIPULATED AND CONSENTED.

DATED: February 21, 2008

TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/ Gia L. Cincone

Gia L. Cincone

Attorneys for Plaintiff Levi Strauss & Co.

DATED: February 12, 2008

LIPS JEANS

By: \_\_\_\_\_

Loren Cronk

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By: \_\_\_\_\_

Gia L. Cincone  
Attorneys for Plaintiff Levi Strauss & Co.

DATED: February 12, 2008

LIPS JEANS

By: \_\_\_\_\_

Loren Cronk

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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 LEVI STRAUSS & CO.,

12 Plaintiff,

13 v.

14 LIPS JEANS,

15 Defendant.  
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17

Case No. C 07-4268 JW

**FINAL JUDGMENT UPON  
CONSENT AND PERMANENT  
INJUNCTION**

18 Plaintiff Levi Strauss & Co. ("LS&CO.") has filed a Complaint alleging trademark  
19 infringement, dilution, and unfair competition under federal and California law against defendant Lips  
20 Jeans ("Lips"). LS&CO. alleges that Lips has manufactured, promoted, and sold clothing, including  
21 denim jeans, that violates LS&CO.'s rights in its registered Tab Device Trademark (the "Tab  
22 trademark").

23 The Court now enters final judgment based upon the following undisputed facts. Each party  
24 has waived the right to appeal from this final judgment and each party will bear its own fees and costs  
25 in connection with this action.

26 **I. STIPULATED FACTS AND CONCLUSIONS**

27 A. This Court has subject matter jurisdiction over this lawsuit and personal jurisdiction  
28 over Lips. Venue is proper in this Court.

1 B. LS&CO. owns the Tab trademark, which is a valid and famous trademark of LS&CO.  
2 and which is registered as follows for use on a variety of casual apparel:

3 a. Registration No. 356,701 (first used as early as September 1, 1936; registered  
4 May 10, 1938);

5 b. Registration No. 516,561 (first used as early as September 1, 1936; registered  
6 October 18, 1949);

7 c. Registration No. 577,490 (first used as early as September 1, 1936; registered  
8 July 21, 1953);

9 d. Registration No. 774,625 (first used as early as May 22, 1963; registered  
10 August 4, 1964);

11 e. Registration No. 775,412 (first used as early as October 9, 1957; registered  
12 August 18, 1964); and

13 f. Registration No. 1,157,769 (first used as early as September 1, 1936; registered  
14 June 16, 1961).

15 C. Lips has manufactured, distributed, and sold jeans that display the pocket tab illustrated  
16 in Exhibit A (the "Lips tab").

17 **II. ORDER**

18 It is hereby ordered and adjudged as follows:

19 1. Commencing as of the "So Ordered" date of this Final Judgment and Permanent  
20 Injunction, Lips, its principals, agents, employees, officers, directors, servants, successors, and  
21 assigns, and all persons acting in concert or participating with it or under its control who receive actual  
22 notice of this Order, are hereby permanently enjoined and restrained, directly or indirectly, from  
23 doing, authorizing or procuring any persons to do any of the following:

24 a. Manufacturing, licensing, selling, offering for sale, distributing, importing,  
25 exporting, advertising, promoting, or displaying any products that display any tab in the form and  
26 location illustrated in Exhibit A, or any other tab that is substantially similar to the Lips tab or to the  
27 Tab trademark;

28 b. Manufacturing, licensing, selling, offering for sale, distributing, importing,

1 exporting, advertising, promoting, or displaying any products that display any tab that may reasonably  
2 be believed to be as similar or more similar to the Tab trademark than the Lips tab;

3 c. Violating the rights of Levi Strauss & Co. in and to its Tab trademark; and

4 d. Assisting, aiding or abetting any person or entity engaging in or performing any  
5 act prohibited by this paragraph.

6 2. In the event that Lips violates the terms of this Judgment by making, selling or offering  
7 for sale garments displaying the Lips tab illustrated in Exhibit A, it shall pay to LS&CO. liquidated  
8 damages of (a) 20% of the sales revenue received by Lips at any time on account of such garments, or  
9 (b) \$10,000, whichever is greater, and judgment shall be entered against Lips for that amount. Lips  
10 specifically acknowledges that this is a reasonable estimate of the damages to which LS&CO. would  
11 be entitled by virtue of Lips' sales of such garments and the costs LS&CO. has incurred in enforcing  
12 its rights. Such liquidated damages shall be in addition to any further damages or equitable relief to  
13 which LS&CO. may be entitled with respect to future sales by Lips that violate LS&CO.'s trademark  
14 rights, but any payments made by Lips pursuant to this paragraph shall be deemed a credit against any  
15 potential award of damages under this paragraph.

16 3. This Court shall retain jurisdiction for the purpose of making any further orders  
17 necessary or proper for the construction or modification of this Judgment, the enforcement thereof,  
18 and/or the punishment for any violations thereof. If LS&CO. commences an action for enforcement  
19 of this Judgment, the prevailing party shall be awarded reasonable attorneys' fees and costs from the  
20 other party.

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1           4.     For the purpose of any future proceeding to enforce the terms of this Judgment, service  
2 by mail upon a party or their counsel of record at their last known address shall be deemed adequate  
3 notice for each party.  
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5 IT IS SO ORDERED AND ADJUDGED.  
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8 DATED: \_\_\_\_\_  
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Hon. James Ware  
United States District Judge

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Exhibit A



Exhibit A